

**Department of Environmental Conservation  
Proposed Final Permit - Response to Comments**

**For**

**APDES Individual Permit**

**AK0000370 - CPD Alaska LLC, Anchorage Bulk Fuel Terminal**

**Public Noticed August 7, 2015 – September 7, 2015**

**September 18, 2015**



**Alaska Department of Environmental Conservation  
Wastewater Discharge Authorization Program  
555 Cordova Street  
Anchorage, AK 99501**

# 1 Introduction

## 1.1 Summary of Facility / Permit

The CPD Alaska LLC, (permittee), Anchorage Bulk Fuel Terminal (facility) is located in the Port of Anchorage Industrial Area in Anchorage, Alaska and discharges to Cook Inlet, Alaska via the Municipality of Anchorage storm drain system. The facility's primary activity is to store and deliver aviation fuel to nearby Joint Base Elmendorf/Fort Richardson and includes a warehouse utilized by Inlet Petroleum Company, a local vendor of petroleum and petroleum related products.

The Alaska Department of Environmental Conservation (Department or DEC) proposes to reissue Alaska Pollutant Discharge Elimination System (APDES) Permit AK0000370 – CPD Alaska LLC, Anchorage Bulk Fuel Terminal (Permit). The Permit authorizes discharges of accumulated rain/snowmelt runoff from the facility and contingency discharges of groundwater to protect the secondary containment area liner from high groundwater pressures. The Permit imposes limits for hydrocarbons and sediment and requires monitoring, development and implementation of best management practices. There are no mixing zones authorized by the Permit.

## 1.2 Opportunities for Public Participation

To ensure participation by the public, agencies, and tribal and local governments during Permit reissuance, the Department:

- identified the permit on the annual Permit Issuance Plan posted online at: <http://www.dec.state.ak.us/water/wwdp/index.htm>;
- notified potentially affected tribes that the Department would be working on the Permit via letter, fax and/or email;
- posted the Preliminary Draft Permit on-line for a 10-day applicant review on June 4, 2015 and notified tribes, local governments and other agencies;
- posted the public notice on the Department's public notice web page August 7, 2015 for a 30-day public review on the Draft Permit and Fact Sheet;
- posted the Proposed Final Permit on-line for a five-day applicant review on September 18, 2015; and
- sent email notifications via the APDES Program List Serve when the Preliminary Draft, Draft, and Proposed Final Permits were available for review.

During the 10-day applicant review, DEC received comments on the Preliminary Draft Permit and Fact Sheet from the permittee, the U.S. Environmental Protection Agency (EPA), and the Knik Tribal Government. During the 30-day public review period, the Department received comments on the Draft Permit and Fact Sheet from EPA and the permittee.

This document summarizes the comments resulting from the 30-day public review period and the justification for any action taken or not taken by DEC in response to each comment.

## 1.3 Final Permit

The Final Permit was adopted by the Department on [date pending]. There were minor changes from the Draft Permit and Fact Sheet after public notice to correct typographical and grammatical errors and to clarify information. Changes resulting from comments received are identified in this response to comments and reflected in the Final Permit and Fact Sheet.

## 2 Comments Summary

### 2.1 Comments by U.S. EPA

The Department received comments from EPA during the 10-day applicant review on June 18, 2015 and the Department revised the Permit documents to address these comments. EPA provided comments similar to the 10-day review period during the 30-day public review period on September 4, 2015. The EPA comments from the public review period are summarized and responded to in the following paragraphs.

#### 2.1.1 Characterization of Groundwater Source and Conducting Reasonable Potential Analysis

**EPA Comment:** EPA has concerns about the new authorization to discharge contaminated groundwater without characterization of the new discharge to ensure that appropriate treatment and/or Best Management Practices (BMPs) are provided. The Fact Sheet states that a reasonable potential analysis (RPA) was not performed in association with the Permit reissuance because the Discharge Monitoring Report (DMR) data submitted under the existing Permit is not representative of the recently improved facility conditions instituted by the permittee. Instead, the Permit retains stringent limits for Total Aromatic Hydrocarbons (TAH) and Total Aqueous Hydrocarbons (TAqH) and monitoring requirements and special conditions to collect data to support the next Permit reissuance. It is inappropriate to attempt to authorize a new discharge without characterization of the discharge. DEC must to identify all pollutants of concern (POCs) and perform RPA for all POCs.

**DEC Response:** This comment was received during the 10-applicant review and is comprised of two different concerns, characterization of a newly authorized discharge (i.e., hydrocarbon impacted groundwater beneath the liner) originating upstream of the point of compliance and conducting an RPA at the point of compliance. DEC revised the Preliminary Draft Permit and Fact Sheet by including characterization of the upstream groundwater source in Fact Sheet Table 3, Section 2.4, Drainage Area A. The waste stream represents only a small and infrequent fraction of the total discharge at the point of compliance and the potential POCs (hydrocarbons) as discussed in the characterization section of the Fact Sheet are already controlled by retention of the TAH and TAqH water quality criteria based effluent limits. As such, an RPA using this data is unnecessary.

In addition, DEC maintains that an RPA using numeric analytical data at the point of compliance collected during the previous term of the Permit is not appropriate because it is not representative of current discharge conditions. The imposition of stringent TAH and TAqH effluent limits that are equal to water quality criteria reflects the Departments acknowledgement that there is reasonable potential based on historic exceedances despite conducting an RPA using potentially misrepresentative analytical data. Because a mixing zone was not requested by the applicant, DEC maintains the limits are appropriate to protect water quality based on DEC's Water Quality Standards. Accordingly, the Draft Permit and Fact Sheet have not been revised based on the EPA comment for conducting an RPA during the development of the Final Permit documents for reissuance.

#### 2.1.2 Removal of Average Monthly Limits (AMLs) Constitutes Backsliding

**EPA Comment:** EPA comments that the removal of all average monthly limits may constitute backsliding and notes that DEC retained only the maximum daily limits (MDL), which are identified only as "limits" (without specifying if they apply on an average monthly or maximum daily basis) in the Preliminary Draft Permit. EPA commented that both limits may be applicable even though the monitoring frequency is monthly. If the

discharge exceeds a limit and the permittee chooses to do additional monitoring to average the results, the only limit they would have to meet is the single limit, which is equal to the MDL in the current Permit.

**DEC Response:** This comment was also provided by EPA during the 10-day applicant review. The proposed Permit only removes the previously required AMLs for the parameters Oil and Grease and Total Suspended Solids. The Department is not including AMLs for these POCs in the reissued Permit because these discharges are weather dependent and there are times where it is not possible for the permittee to collect more than one sample in a month (See Section 5, page 19, last paragraph). In addition, per Factsheet Section 5.0, the removal of the AML along with other limits were addressed in regard to antibacksliding indicating the previous limits are considered a technical error. This same consideration was addressed in other bulk fuel permits issued in 2014. Hence, this limitation is consistent with other recently reissued permits for bulk fuel facilities and will prevent the occurrence of AML violations for months when only one discharge occurs and the discharge is in conformance with the MDL. The Preliminary Draft Fact Sheet was revised to indicate the limits were MDLs but no other changes were made to the Preliminary Draft. Furthermore, no changes were made to the Draft Permit and Fact Sheet during development of the Final Permit documents for reissuance based on this comment.

### **2.1.3 Groundwater Should be Treated and/or Monitored Prior to Commingling**

**EPA Comment:** DEC should consider whether it is appropriate to treat contaminated groundwater before it is commingled with process water for discharge. At the very least, the groundwater should be monitored before commingling to evaluate the need for treatment prior to discharge.

**DEC Response:** This comment was also provided by EPA during the 10-day applicant review. The Department considered this comment and determined that treatment or additional monitoring of the internal waste stream is not necessary to protect the receiving water because the reissued Permit sets performance-based end-of-pipe limits equal to state water quality criteria for TAH and TAqH. Therefore, it is incumbent on the permittee to determine if additional treatment is needed to meet the performance-based limits. In addition, the groundwater is monitored on an annual basis under DEC's Contaminated Sites Program (CSP) and this information is available for review. During development of the Final Permit documents for reissuance, the Draft Fact Sheet was revised to emphasize the TAH and TAqH limits adequately protect the receiving water quality.

### **2.1.4 Groundwater Concerns Related to Commingling and Triggers for Corrective Actions**

**EPA Comment:** EPA has concerns about the discharge of contaminated groundwater associated with the Permit. The Permit and Fact Sheet both state that effluent limitation violations under the previous permit were attributed to the infiltration of the contaminated groundwater. The Draft Fact Sheet does not sufficiently explain the violations or the sources of the violations. There are two different drainage areas that have been affected by contaminated groundwater (Area A and B). Area B now has a "liquid tight collection system to control the inflow of contaminated groundwater to the facility's underground collection system" (note – this statement contradicts a future statement made on page 8/9, which implies that there is zero commingling). The fact sheet claims that the "reissued Permit includes a trigger to conduct further evaluation of the inflow issue based on the occurrence of any future violations of TAH." Please point out the specific trigger or any related language in the Permit or Fact Sheet.

**DEC Response:** This comment was also provided by EPA during the 10-day applicant review and includes multiple concerns, sufficiency in explaining the violations, confusion on commingling, and lack of specificity on triggers for corrective actions. Based on comments received during the 10-day applicant review, the Department addressed the comment for the violations by providing clarifying language in Fact Sheet Section 2.6.1. DEC concludes the summary of the violations is adequately discussed in the Fact Sheet to support the Departments decisions. Similarly, the Department provided clarifying language with respect to commingling in Fact Sheet Section 2.4, Drainage Area A. Lastly, DEC provided clarifying language in Fact Sheet Section 7.3 and Permit Section 2.3 Groundwater Infiltration Corrective Actions. The corrective actions sections more specifically state that “In the event that future exceedance(s) of TAH or TAqH occur during the permit cycle that are determined to be attributable to ongoing groundwater infiltration, the permittee is required to investigate and identify the illicit source of hydrocarbons and develop a plan to achieve compliance with the Permit.” No changes were made to the Draft Permit and Fact Sheet during development of the Final Permit documents for reissuance based on this comment.

### **2.1.5 Increase Monitoring during Periods of Groundwater Discharge to Characterize Source**

**EPA Comment:** The fact sheet explains that Area A now has impermeable geomembrane liner, but the facility will occasionally release contaminated groundwater into the containment area so the geomembrane liner is not damaged. Currently, the Permit requires the permittee to report the dates of groundwater discharge to the secondary containment area. EPA recommends that the Permit require increased monitoring around those times. This will more accurately characterize the impact of the contaminated groundwater on the wastewater/storm water in the secondary containment area.

**DEC Response:** The Department disagrees with the recommendation that the Permit require increased monitoring around times when groundwater is included in the discharge. The groundwater source is monitored through the DEC CSP, and per Permit Section 2.3, an exceedance of TAH or TAqH will require investigation into the cause of the exceedance, which may include the upstream groundwater source in Drainage A. By reporting release of groundwater on the DMR, information is available to decide whether to include the groundwater in Drainage A in this investigation. No changes were made to the Draft Permit and Fact Sheet during development of the Final Permit documents for reissuance based on this comment.

## **2.2 Comments by the Permittee**

The Department received comments from the permittee during the 30-day public review of the Draft Permit and Fact Sheet on September 8, 2015. Although, these comments were received after the close of the public comment period, the Department accepted the comments because September 7, 2015 was the Labor Day holiday. The following summarizes the permittee’s comments and DEC’s responses.

### **2.2.1 What Additional Samples Must Be Provided Upon Request**

**CPD Alaska Comment:** In reference to the Draft Permit Section 1.3.1:

“The permittee has the option of taking more frequent samples than required under this Permit provided they are conducted using Department approved test methods that achieve a method detection limit less than applicable Permit limits or water quality criteria and conform to the monitoring, recording and reporting requirements presented in Appendix A - Standard Conditions. All additional monitoring results must be provided to the Department upon request.”

The permittee inquires whether this requirement applies specifically to discharges, or must any additional sampling results (i.e., samples analyzed prior to discharge rather than during the discharge) be provided to the Department upon request.

**DEC Response:** This section applies only to samples collected at the point of compliance that represent the quality of effluent in the discharge. During development of the Final Permit documents for reissuance, the Draft Fact Sheet was revised to clarify that additional monitoring only applies to the point of compliance.

### **2.2.2 Confusion Using Same Acronym for Maximum Daily Limit and Method Detection Limit**

**CPD Alaska Comment:** The permittee noted that acronym MDL is defined as both Maximum Daily Limit and as Method Detection Limit in the Draft Permit.

**DEC Response:** The Department has revised the Draft Permit and Fact Sheet to eliminate the acronym use for Method Detection Limits. The Proposed Final Permit and Fact Sheet use the acronym for Maximum Daily Limits but spells out Method Detection Limits in all occurrences.

### **2.2.3 Confirmation of the Submittal Date for DMRs**

**CPD Alaska Comment:** The permittee sought confirmation that DMRs must be submitted to the Department by the 28<sup>th</sup> of the following month as per Permit Table 1: Schedule of Submissions, rather than the 15<sup>th</sup> of the following month as specified in Permit Appendix A: Standard Conditions.

**DEC Response:** As noted in footnote 2 in Permit Table 1, the Department confirms that the date specified, the 28<sup>th</sup> of the following month of sample collection, supersedes the date specified in Permit Appendix A - Standard Conditions. Given there could be just one sample collected at the end the month, DEC understands there could be insufficient time to process samples in a laboratory to meet the 15<sup>th</sup> day following the month of sample collection.